

# EXHIBIT A

**IN THE CIRCUIT COURT OF JACKSON COUNTY  
AT KANSAS CITY, MISSOURI**

Brian King,	)	
Plaintiff,	)	
v.	)	Case No.:2216-CV18347
	)	
Exact Sciences Corporation,	)	Division No.: 14
Serve at Registered Agent:	)	
CSC-Lawyers Incorporating	)	
Service Company	)	
221 Bolivar St.	)	
Jefferson City, MO 65101,	)	
	)	
Defendant.	)	

**MOTION FOR APPOINTMENT OF PRIVATE PROCESS SERVER**

COMES NOW Plaintiff, by and through counsel, and pursuant to Local Rule 4.9 of Jackson County Court Rules, hereby moves for the appointment of HPS Process Service & Investigations, Inc.:

Jan E. Adams	PPS22-0111	James Hise	PPS22-0294
Roger Adams	PPS22-0112	Martin Hueckel	PPS22-0159
Sandra M. Allen	PPS22-0113	Anthony Iavarone	PPS22-0160
Teresa Bailly	PPS22-0114	George Illidge	PPS22-0161
Richard Benito	PPS22-0115	Glenn Jackson	PPS22-0163
Dianna J. Blea	PPS22-0116	Betty A. Johnson	PPS22-0164
Richard J. Blea	PPS22-0117	Justin L. Johnson	PPS22-0165
Sheila P. Brooks	PPS22-0119	Kenneth Kearney	PPS22-0168
Kathy Broom	PPS22-0120	Brent Kirkhart	PPS22-0046
Gary Burt	PPS22-0012	Janice Kirkhart	PPS22-0047
Stephen C. Buskirk	PPS22-0121	Tyler Kirkhart	PPS22-0048
Danny M. Callahan	PPS22-0123	Michele L. Kriner	PPS22-0169
Esquiel Cantu	PPS22-0125	Cecile R. Landrum	PPS22-0170
William J. Caputo	PPS22-0126	James R. LaRiviere	PPS22-0171
Andre Carnes, Jr.	PPS22-0265	Bryan Liebhart	PPS22-0172
Charles Casey	PPS22-0127	Charles Lindsay, Jr.	PPS22-0173
George L. Castillo	PPS22-0128	Bert Lott	PPS22-0174
Carolyn S. Champlin	PPS22-0013	Michael Marra	PPS22-0179
Crystal Chapman	PPS22-0129	Deborah J. Martin	PPS22-0175
Randy G. Cobb	PPS22-0130	Michael Martin	PPS22-0176
Chad Compton	PPS22-0132	Thomas Matthews	PPS22-0180
Dominic DellaPorte	PPS22-0134	Michael J. McMahon	PPS22-0183
Dale Dorning	PPS22-0135	Michael C. Meador	PPS22-0060
Alexander C. Duaine	PPS22-0136	James R. Meadows	PPS22-0186
Abel Emiru	PPS22-0137	Jerry Melber	PPS22-0187
Sadie Estes	PPS22-0138	Jenna Mendoza	PPS22-0188
William F. Ferrell	PPS22-0022	Matthew Millhollin	PPS22-0062
Robert Finley	PPS22-0023	Amanda L. Mincheff	PPS22-0189
John K. Frago	PPS22-0026	Vivian G. Mitchell	PPS22-0190
Joseph S. Gates	PPS22-0141	Linda M. Murphy	PPS22-0191
Louis Gerrick	PPS22-0142	Kelly A. Murski	PPS22-0192
Brad Gordon	PPS22-0144	Paul Nadarzzi	PPS22-0193

Tom Gorgone	PPS22-0145	Jeremy L. Nicholas	PPS22-0194
Kimberly Greenway	PPS22-0146	Jeffrey L. Nichols	PPS22-0195
Lynne Grimes	PPS22-0147	Michael Noble	PPS22-0196
Charles R. Gunning	PPS22-0028	Colter Norris	PPS22-0197
Darnell E. Hamilton	PPS22-0029	Dennis Norris	PPS22-0198
James Hannah	PPS22-0030	Kody Norris	PPS22-0199
Christy Hartline	PPS22-0149	Tory J. Owens	PPS22-0071
James R. Harvey	PPS22-0150	Orlando Parra-Alvarez	PPS22-0201
Grace Hazell	PPS22-0151	Cody Patton	PPS22-0202
Stephen Heitz	PPS22-0035	Vincent A. Piazza	PPS22-0204
Jessie J. Hernandez	PPS22-0153	Timothy Pinney	PPS22-0205
Justin J. Hernandez	PPS22-0154	Evelyn L. Porter	PPS22-0206
Michael Hibler	PPS22-0155	Christopher Reed	PPS22-0210
Shelby Hibler	PPS22-0156	Terri Richards	PPS22-0212
Trinity Hibler	PPS22-0157	Cheryl Richey	PPS22-0213
Richard C. Ross	PPS22-0215	Randy Stone	PPS22-0229
David M. Roberts	PPS22-0086	Sonja R. Stone	PPS22-0230
Patricia J. Roberts	PPS22-0087	Brittney Strozier	PPS22-0231
Edna L. Russell	PPS22-0093	Jeffrey Teitel	PPS22-0233
Mark A. Russell, Jr.	PPS22-0218	Margarita Vasquez	PPS22-0235
Brenda M. Schiwitz	PPS22-0094	Robert E. Vick, II	PPS22-0238
Nathaniel Scott	PPS22-0219	Bradley Votaw	PPS22-0239
Richard Shaver	PPS22-0221	Ambiko Wallace	PPS22-0240
Joe B. Sherrod	PPS22-0222	Vance M. Warren, Sr.	PPS22-0241
Jeannie M. Simon	PPS22-0223	Stephan R. Waters	PPS22-0242
Thomas H. Skinner	PPS22-0224	Gregory Willing	PPS22-0105
Brian Smith	PPS22-0225	Conni Wilson	PPS22-0107
Gean Smith	PPS22-0226	Mitch Wirth	PPS22-0245
Anthony Spada	PPS22-0228		

as private process servers in the above-captioned matter. In support of said motion, Plaintiff/Petitioner states that the above-named individuals are on the Court's list of approved process servers and the information contained in their applications and affidavits on file is current and still correct.

Respectfully submitted,

HALBROOK WOOD, P.C.

By /s/ Anne E. Baggott

Anne E. Baggott MO #59187

Abbey M.B. Lee MO #72900

3500 W. 75th Street

Prairie Village, KS 66208

(913) 529-1188 – PHONE

(913) 529-1199 – FAX

abaggott@halbrookwoodlaw.com

alee@halbrookwoodlaw.com

**ATTORNEYS FOR PLAINTIFF**

**ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER**

It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and the above named individuals are hereby appointed to serve process in the above captioned matter.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Judge or Circuit Clerk




## IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JOHN M. TORRENCE	Case Number: 2216-CV18347
Plaintiff/Petitioner: BRIAN KING	Plaintiff's/Petitioner's Attorney/Address ANNE E BAGGOTT 4420 Madison Ave SUITE 200 KANSAS CITY, MO 64111
Defendant/Respondent: EXACT SCIENCES CORPORATION	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Employmnt Discrmntn 213.111	

(Date File Stamp)

**Summons in Civil Case**

<b>The State of Missouri to: EXACT SCIENCES CORPORATION</b> Alias: RA: CSC-LAWYERS INCORP SERV CO 221 BOLIVAR ST. JEFFERSON CITY, MO 65101	<b>PRIVATE PROCESS SERVER</b>  <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>26-AUG-2022 Date</p> <p>_____ Clerk</p>
 COURT SEAL OF JACKSON COUNTY	Further Information:

**Sheriff's or Server's Return****Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
- ☐ leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_ a person at least 18 years of age residing therein.
- ☐ (for service on a corporation) delivering a copy of the summons and petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
Printed Name of Sheriff or Server\_\_\_\_\_  
Signature of Sheriff or Server

(Seal)

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

\_\_\_\_\_  
Notary Public**Sheriff's Fees**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

**IN THE CIRCUIT COURT OF JACKSON COUNTY  
AT KANSAS CITY, MISSOURI**

Brian King,	)	
Plaintiff,	)	
v.	)	Case No.:2216-CV18347
	)	
Exact Sciences Corporation,	)	Division No.: 14
Serve at Registered Agent:	)	
CSC-Lawyers Incorporating	)	
Service Company	)	
221 Bolivar St.	)	
Jefferson City, MO 65101,	)	
	)	
Defendant.	)	

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Respectfully submitted,

HALBROOK WOOD, P.C.

By /s/ Anne E. Baggott

Anne E. Baggott MO #59187

Abbey M.B. Lee MO #72900

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**ATTORNEYS FOR PLAINTIFF**

**ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER**


It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and the above named individuals are hereby appointed to serve process in the above captioned matter.

08/26/2022 *Jennifer Brookshier*  
DEPUTY COURT ADMINISTRATOR

**REQUEST TO VOID MONETARY RECEIPTS ONLY**Date: 8-17-22 CZAEGAR TRANSACTION (see separate procedures)

Prior to Phase II /

Phase II (4/26/04)

1. Original Case Number	2216-CV18347
2. Dollar Amount To Be Voided	\$ 36. <sup>00</sup>
3. Receipt Number To Be Voided	16B23672055
4. Date of Receipt To Be Voided	8-17-22
5. Explanation for Void Paid for Jackson County Sheriff's fee But Cole County is who will be Serving.	<input type="checkbox"/> * Incoming check not signed - RERR <input type="checkbox"/> * Incoming check stale dated - RERR <input type="checkbox"/> Incoming check payable to wrong payee - PERR <input type="checkbox"/> Atty paid for service not needed - RERR <input type="checkbox"/> Receipt amount is entered incorrectly - FERR <input type="checkbox"/> Receipted to wrong case - RTRA <input type="checkbox"/> Receipted to wrong garnishment - RERR <input type="checkbox"/> * Receipted twice - RERR <input type="checkbox"/> Incorrect form of payment - RERR <input type="checkbox"/> Receipted from wrong payor id - RERR <input type="checkbox"/> * Check returned by bank (NSF, Stop Pay, Other) - RBAID <input type="checkbox"/> Wrong A code or A code entered twice - RERR <input checked="" type="checkbox"/> Fees assessed incorrectly - FERR <input type="checkbox"/> Correction per e-mail from __Osca, __Fiscal Office - RERR <p style="text-align: center;">* No re-receipt necessary</p>
6. Clerk Requesting Void	Jennifer Brookshier
7. Supervisor's signature approving void request	
8. Date of Void	8-18-2022
9. Void Receipt Number	16B23672055
10. Re-receipt Number	
11. Amount to Re-receipt	\$ 112.50
12. Payer's ID	59187
13. Date of Re-receipt	
14. Re-receipted to Case Number	2216-CV18347
15. Supervisor's signature indicating review of re-receipt & case party fee report	
16. Supervisor's signature indicating re-receipt is not necessary	
17. Explanation of no re-receipt, if not covered under the options in number 5	
18. Assistant Director's signature for prior date voids	

CASE ID: 2216-CV18347

BRIAN KING V EXACT SCIENCES CORPORATION

**FEES AND ADJUSTMENTS****Case Fees**

Detc	Code	Description	Date	Fee Amount	Balance Due
	3062	Sheriff - Civil - Circuit	17-Aug-2022	\$26.00	\$0.00
	3008	Law Library-Circuit	17-Aug-2022	\$20.00	\$0.00
	3070	Dom Viol-Dissolutions-Circuit	17-Aug-2022	\$2.00	\$0.00
	3350	Circuit Civil Costs w/o SRF	17-Aug-2022	\$83.50	\$0.00
	3065	Sheriff Deputy Salary Supp	17-Aug-2022	\$10.00	\$0.00
	3104	Postage - Circuit	17-Aug-2022	\$7.00	\$0.00
<b>Total Fees:</b>				<b>\$148.50</b>	<b>\$0.00</b>
<b>Grand Total Case and Party Fees:</b>				<b>\$148.50</b>	<b>\$0.00</b>

**RECEIPTS**

Party Name (Party ID)	Detc Code	Description	Date	Receipt No.	Bond/ Acct ID	Void Ind.	Non-Monetary Amount	Monetary Amount
BAGGOTT, ANNE E (59187)	1109	Credit Card-eFiling	17-Aug-2022	16B23672055			\$0.00	\$148.50
	0.00	3062 - Sheriff - Civil - Circuit			\$26.00			
	0.00	3008 - Law Library-Circuit			\$20.00			
	0.00	3070 - Dom Viol-Dissolutions-C			\$2.00			
	0.00	3350 - Circuit Civil Costs w/o S			\$83.50			
	0.00	3065 - Sheriff Deputy Salary Si			\$10.00			
	0.00	3104 - Postage - Circuit			\$7.00			

PRC:20974198 ECF:EF27922126

**Grand Total Receipts:** \$0.00 \$148.50



IN THE 16TH JUDICIAL CIRCUIT  
JACKSON COUNTY, MISSOURI  
JACKSON - KANSAS CITY  
415 E 12TH, KANSAS CITY, MO 64106

Payor: ANNE E BAGGOTT  
4420 MADISON AVE  
SUITE 200  
KANSAS CITY, MO 64111

Receipt Date: 17-Aug-2022  
Receipt Number: 16B23672055  
Date Printed: 17-Aug-2022  
Time Printed: 02:27 PM

**\*\*RECEIPT\*\***

**Case Number: 2216-CV18347 - BRIAN KING V EXACT SCIENCES CORPORATION**

Case Balance Due prior to receipt:	\$148.50
Sheriff-Civil:	-\$26.00
Law Library:	-\$20.00
Dom Viol-Civil:	-\$2.00
Circuit Civil Costs (Metro):	-\$83.50
Sheriff Deputy Salary Supp:	-\$10.00
Postage:	-\$7.00
Remaining Case Balance Due:	\$0.00

Payment Types Applied to Case(s)	Amount
Credit Card-eFiling:	-\$148.50

Total Payment(s):	\$148.50
Remaining Balance Due for Cases Listed Above:	\$0.00

**Receipt Text:** PRC:20974198 ECF:EF27922126

**Note:** Information shown on receipt is current as of date printed.

**Case Information for Case(s) Listed Above:**

**Case Number: 2216-CV18347 - BRIAN KING V EXACT SCIENCES CORPORATION**

**Party:** KING BRIAN

**Party:** EXACT SCIENCES CORPORATION

**Next Scheduled Event:** Case Management Conference, 30-Nov-2022 at 09:00 AM.

**Judge For Event:** TORRENCE JOHN M.

**Location of Event:** Jackson County, DIVISION 14

Case Number: 2216-CV18347  
Party: KING BRIAN

Party: EXACT SCIENCES CORPORATION  
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**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

**BRIAN KING,**

**PLAINTIFF(S),  
VS.**

**CASE NO. 2216-CV18347  
DIVISION 14**

**EXACT SCIENCES CORPORATION,  
  
DEFENDANT(S).**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

---

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **JOHN M. TORRENCE** on **30-NOV-2022** in **DIVISION 14** at **09:00 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

### **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

### **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

**/S/ JOHN M. TORRENCE**

**JOHN M. TORRENCE, Circuit Judge**

### **Certificate of Service**

This is to certify that a copy of the foregoing was mailed postage pre-paid or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

**Attorney for Plaintiff(s):**

ANNE E BAGGOTT, 4420 Madison Ave, SUITE 200, KANSAS CITY, MO 64111

**Defendant(s):**

EXACT SCIENCES CORPORATION

Dated: 17-AUG-2022

MARY A. MARQUEZ  
Court Administrator

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

☒ AT KANSAS CITY ☐ AT INDEPENDENCE

RE: BRIAN KING V EXACT SCIENCES CORPORATION  
CASE NO: 2216-CV18347

TO: ANNE E BAGGOTT  
4420 Madison Ave  
SUITE 200  
KANSAS CITY, MO 64111

We have received pleadings, which you submitted for filing in the case and they have been file-stamped on \_\_\_\_\_. However, your pleading cannot be processed further until the following action is taken:

**RULE 3.2 - STYLE**

- ☐ Additional service instructions are needed.
- ☐ Incorrect case number/filed in wrong county.
- ☐ Document is unreadable.

**RULE 4.2 (2)**

- ☐ Need Circuit Court Form 4

**RULE 5.6 – COLLECTIONS OF DEPOSIT**

- ☐ No fee, or incorrect fee, received; fee required is \$ \_\_\_\_.
- ☐ Insufficient Filing Fee; Please Remit \$ \_\_\_\_
- ☐ No signature on check/form 1695.
- ☐ No request to proceed in forma pauperis.
- ☐ No personal checks accepted.

**RULE 68.1**

- ☐ Need Circuit Court Form 17

**RULE 68.7 – VITAL STATISTICS REPORT**

- ☐ Need Certificate of dissolution of marriage form.

**RULE 74.14 SUPREME CT – FOREIGN JUDGMENT**

- ☐ Authentication of foreign judgment required.
- ☐ Affidavit pursuant to Supreme Court Rule 74.14

**RULE 54.12 SERVICE IN REM OR QUASI IN REM ACTIONS**

- ☐ Affidavit for Service by Publication required pursuant to Supreme Court Rule 54.12c.
- ☐ Order for Service by Publication required pursuant to Supreme Court Rule 54.12c.
- ☐ Notice for Service by Publication required pursuant to Supreme Court Rule 54.12c.
- ☐ Affidavit for Service by Certified/Registered Mail pursuant to Supreme Court Rule 54.12b.

☒ **OTHER: YOU PAID \$36.00 FOR SHERIFF SERVICE AND THE SERVICE ADDRESS IS NOT IN JACKSON COUNTY AND IS IN COLE COUNTY SO, YOU WILL RECEIVE A REFUND OF \$36.00 AND YOU WILL NEED TO PAY THE COLE COUNTY SHERIFF TO SERVE THE SUMMONS PACKET. QUESTIONS CONTACT JENNIFER AT 816-337-8967. THANK YOU**

- ☐ Please take the actions necessary to comply with the Circuit Court Rules and your request will be processed.
- ☐ The private process server listed is not on our approved list.
- ☐ Execution in effect. Return date \_\_\_\_\_. Request may be resubmitted within one week prior to return date.
- ☐ Supreme Court Rule 90.13 requires interrogatories be served with summons of garnishment.

**If the filing was a new case, please be advised that unless the additional information marked is received within 30 days of the date of this notice this case will be dismissed pursuant to Rule 37.4 for failure to prosecute without prejudice, at the Plaintiff's cost. Collection efforts will be pursued for these costs.**

Please refer to the Court's website at [www.16thcircuit.org](http://www.16thcircuit.org) for Court Rules or Forms.

Copies electronic noticed, faxed, emailed and/or mailed AUGUST 17, 2022 to:

COURT ADMINISTRATOR'S OFFICE  
DEPARTMENT OF CIVIL RECORDS

CI

By



Deputy Court Administrator

- ☒ 415 East 12<sup>th</sup> St., Kansas City, Missouri 64106
- ☐ 308 W. Kansas, Independence, Missouri 64050

AUGUST 17, 2022

Date




# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JOHN M. TORRENCE	Case Number: 2216-CV18347
Plaintiff/Petitioner: BRIAN KING	Plaintiff's/Petitioner's Attorney/Address ANNE E BAGGOTT 4420 Madison Ave SUITE 200 KANSAS CITY, MO 64111
Defendant/Respondent: EXACT SCIENCES CORPORATION	Court Address: 415 E 12th KANSAS CITY, MO 64106
Nature of Suit: CC Employmnt Discrmntn 213.111	

(Date File Stamp)

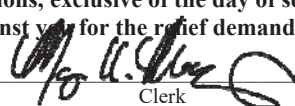
## Summons in Civil Case

**The State of Missouri to: EXACT SCIENCES CORPORATION**  
**Alias:**  
**RA: CSC-LAWYERS INCORP SERV CO**  
**221 BOLIVAR ST.**  
**JEFFERSON CITY, MO 65101**

  
**JACKSON COUNTY**

**You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.**

17-AUG-2022  
Date

  
 Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

☐ delivering a copy of the summons and petition to the defendant/respondent.

☐ leaving a copy of the summons and petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_ a person at least 18 years of age residing therein.

☐ (for service on a corporation) delivering a copy of the summons and petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
Printed Name of Sheriff or Server  
(Seal)

\_\_\_\_\_  
Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees**

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$. _____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

[16thcircuit.org](http://16thcircuit.org) → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

## IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

BRIAN KING,

Plaintiff,

v.

EXACT SCIENCES CORPORATION,

Serve at Registered Agent:  
 CSC-Lawyers Incorporating  
 Service Company  
 221 Bolivar St.  
 Jefferson City, MO 65101

Defendant.

Case No. \_\_\_\_\_

**PETITION FOR DAMAGES**

Plaintiff Brian King, by and through undersigned counsel, and for his claims against Defendant, states and alleges as follows:

**PARTIES**

1. Plaintiff Brian King is an individual and resident of Kansas City, Missouri.
2. Defendant Exact Sciences ("Defendant") is a Wisconsin corporation authorized to do business in Missouri.
3. Defendant employs more than six employees and is an "employer" under the Missouri Human Rights Act ("MHRA"), R.S.Mo. § 213.010(7).

**JURISDICTION AND VENUE**

4. The actions complained of herein occurred in Kansas City, Jackson County, Missouri, and, accordingly, jurisdiction and venue are proper in this Court.

5. This Court has jurisdiction over the subject matter pursuant to R.S.Mo. §478.070 as this is an original civil action seeking monetary damages for causes of action accruing in the State of Missouri.

6. Venue is proper in this Court under R.S.Mo. §508.010 as the events alleged in this Petition took place in whole, or in part, in Jackson County, Missouri.

### **CONDITIONS PRECEDENT**

7. Plaintiff timely filed his charge of discrimination with the Missouri Commission on Human Rights on October 8, 2021, charge numbers E-10/21-53344, 28E-2022-00027C.

8. The MHRA issued its notice of right to sue on Plaintiff's charge of discrimination on May 12, 2022.

9. This action is timely filed with the Court, and Plaintiff meets all conditions precedent to filing this action.

### **FACTUAL ALLEGATIONS**

10. Plaintiff began employment with Defendant on or about March 8, 2021.

11. Plaintiff worked from his home in Kansas City, Jackson County, Missouri, as a sales representative.

12. Plaintiff's job was to develop relationships with customer targets in his territory.

13. Plaintiff reported to a supervisor who worked out of her office in Smithville, Missouri.

14. In July 2021, Defendant instituted a policy of Covid-19 vaccination as a condition of employment. Defendant's policy stated it would consider requests for an exemption to the policy for medical contraindications or disabilities as a reasonable accommodation.

15. In August 2021, Plaintiff requested an accommodation due to a medical contraindication to the COVID-19 vaccines that were available at the time.

16. Plaintiff had a severe anaphylactic/allergic reaction to the influenza vaccine in 2015.

17. In support of Plaintiff's request, Plaintiff's doctor supplied multiple letters and information regarding Plaintiff's prior anaphylactic/allergic reaction to the influenza vaccine.

18. One of Plaintiff's doctor's letters stated the following:

It is my recommendation that Brian does not get the vaccine due to the anaphylactic reaction he had to the flu vaccine in 2015. ... Per the CDC guidelines, people that have had prior anaphylactic reactions should not get a COVID vaccine.

19. Plaintiff's doctor also suggested alternative actions Plaintiff could take to maintain safety during his work, including wearing a mask at all times, submitting to weekly testing, and maintaining social distancing and good hygiene practices.

20. Plaintiff had been wearing a mask, social distancing, and maintaining good hygiene practices since the beginning of his employment, which started during the Covid-19 pandemic.

21. Plaintiff was able to successfully perform his job while wearing a mask, social distancing ,and maintaining good hygiene practices.

22. These and other workplace protections were specifically recommended at the time by the Occupational Safety and Health Administration, Equal Employment Opportunity Commission and the Job Accommodation Network as acceptable accommodations for persons with a contraindication to the Covid-19 vaccines.

23. Defendant failed to engage in the interactive process to reach a reasonable accommodation.

24. Instead, Defendant barred Plaintiff from attending team building meetings even though he had been attending team meetings while masked since the beginning of his employment.

25. Defendant offered to terminate Plaintiff's employment with a severance agreement and gave Plaintiff four days to make a decision.

26. Defendant also proposed that Plaintiff try to find an alternative role in the company within four days. Defendant did not offer Plaintiff another position, and any open positions would not have allowed Plaintiff to remain employed while unvaccinated. Each role required Covid-19 vaccination, which Plaintiff's disability prevented him from taking.

27. Defendant's suggestion that Plaintiff find an alternative role in the company was a pretextual attempt to offer an accommodation that Defendant would never have allowed.

28. Upon information and belief, Defendant decided that any employee who visits a healthcare setting as part of their job must be vaccinated, without allowing any accommodations. This practice is illegal.

29. Even healthcare providers such as hospitals and clinics that have mandated Covid-19 vaccination, either voluntarily or through a government or public health agency directive, require accommodations where the employee cannot be vaccinated due to a disabling condition.

30. On September 27, 2021, Defendant denied Plaintiff's request for a reasonable accommodation.

31. Defendant terminated Plaintiff's employment on October 4, 2021.

32. As a result of Defendant's illegal actions, Plaintiff has suffered significant lost wages and severe emotional distress.

33. Plaintiff has suffered, and continues to suffer, damages as a direct result of Defendant's wrongful conduct.

**COUNT I: MHRA – FAILURE TO ACCOMMODATE**

34. Plaintiff incorporates by reference each and every allegation in this Petition as if set forth herein.

35. Plaintiff is a qualified individual within the meaning of the MHRA in that he was an individual who, with or without reasonable accommodation, could perform the essential functions of his position, sales representative.

36. At all relevant times, Plaintiff suffered from a severe anaphylactic/allergic reaction to an influenza vaccine, which, upon the direction and advice of his physician, prevented Plaintiff from receiving any Covid-19 vaccine.

37. Plaintiff's severe anaphylactic/allergic reaction constitutes a disability in that it substantially limited one or more of his major life activities, including breathing.

38. In July 2021, Defendant instituted a policy that required each employee to show proof of vaccination against Covid-19 as a condition of employment.

39. Plaintiff informed Defendant of his disability, his prior severe anaphylactic/allergic reaction to the influenza vaccine, and his doctor's direction and advice that he should not take the Covid-19 vaccine.

40. Plaintiff asked Defendant for a reasonable accommodation to the mandatory vaccination requirement, including wearing a mask, submitting to weekly testing, and practicing safe hygiene and social distancing protocols.

41. In response, Defendant denied Plaintiff's request for a reasonable accommodation and terminated his employment.

42. Plaintiff's status as an unvaccinated employee would not have posed a direct threat due to significant risk of substantial harm to the health and safety of Plaintiff or others that could not be eliminated or reduced by reasonable accommodation.

43. The actions and conduct set forth herein were and continue to be outrageous and with evil motive or reckless indifference or conscious disregard for the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages from Defendant, to punish Defendant and to deter Defendant and others from like conduct.

44. As a direct and proximate cause of the actions and conduct set forth herein, Plaintiff has been deprived of income and other monetary and non-monetary benefits and has suffered and will continue to suffer damages, including lost wages, benefits, emotional distress, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and related compensatory damages in excess of \$25,000.

WHEREFORE, Plaintiff prays for judgment against Defendant on Count I of the Petition, for a finding that he was unlawfully discriminated against, for compensatory and punitive damages, pre- and post-judgment interest as provided by law, reasonable attorneys' fees, costs expended, and for such other relief as the Court deems just, proper and equitable.

**COUNT II: MHRA – DISABILITY DISCRIMINATION –  
WRONGFUL TERMINATION**

45. Plaintiff incorporates by reference each and every allegation in this Petition as if set forth herein.

46. At all times relevant, Plaintiff suffered from a physical impairment that constitutes a disability, a severe anaphylactic/allergic reaction.

47. Plaintiff's physical condition substantially limited and interfered with major life activities of, inter alia, breathing.

48. Defendant terminated Plaintiff's employment on or about October 4, 2021.

49. Plaintiff could have performed the essential functions of his job at the time Defendant terminated his employment.

50. Defendant knew of Plaintiff's documented disability and contraindication to the Covid-19 vaccines, and Plaintiff's disability was a motivating factor or played a part or role in Defendant's decision to terminate Plaintiff's employment.

51. The actions and conduct set forth herein were and continue to be outrageous and with evil motive or reckless indifference or conscious disregard for the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages from Defendant, to punish Defendant and to deter Defendant and others from like conduct.

52. As a direct and proximate cause of the actions and conduct set forth herein, Plaintiff has been deprived of income and other monetary and non-monetary benefits and has suffered and will continue to suffer damages, including lost wages, benefits, emotional distress, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and related compensatory damages in excess of \$25,000.

WHEREFORE, Plaintiff prays for judgment against Defendant on Count II of the Petition, for a finding that he was unlawfully discriminated against, for compensatory and punitive damages, pre- and post-judgment interest as provided by law, reasonable attorneys' fees, costs expended, and for such other relief as the Court deems just, proper and equitable.

### **COUNT III: RETALIATION**

53. Plaintiff incorporates by reference each and every allegation in this Petition as if set forth herein.

54. Plaintiff engaged in protected activity by requesting a reasonable accommodation for his disability from August 2021 up until Exact Sciences terminated his employment.

55. Defendant terminated Plaintiff's employment on or about October 4, 2021.

56. Plaintiff's employment termination would dissuade a reasonable worker in the same or similar circumstances from requesting a reasonable accommodation for a disability.

57. Defendant would not have terminated Plaintiff's employment if Plaintiff had not requested a reasonable accommodation for his disability. Plaintiff's protected activity was a motivating factor or played a part in Defendant's decision to terminate Plaintiff's employment.

58. The actions and conduct set forth herein were and continue to be outrageous and with evil motive or reckless indifference or conscious disregard for the rights of Plaintiff, and Plaintiff is therefore entitled to punitive damages from Defendant, to punish Defendant and to deter Defendant and others from like conduct.

59. As a direct and proximate cause of the actions and conduct set forth herein, Plaintiff has been deprived of income and other monetary and non-monetary benefits and has suffered and will continue to suffer damages, including lost wages, benefits, emotional distress, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and related compensatory damages in excess of \$25,000.

WHEREFORE, Plaintiff prays for judgment against Defendant on Count III of Plaintiff's Petition, for a finding that he was unlawfully discriminated against in violation of law, for compensatory and punitive damages, pre- and post-judgment interest as provided by law, reasonable attorneys' fees, costs expended, and for such other relief as the Court deems just, proper and equitable.

**JURY DEMAND**

Plaintiff hereby requests trial by jury on all Counts stated herein.

Respectfully submitted,

HALBROOK WOOD, P.C.

By /s/ Anne E. Baggott

Anne E. Baggott MO #59187

Abbey M.B. Lee MO #72900

3500 W. 75th Street

Prairie Village, KS 66208

(913) 529-1188

(913) 529-1199 – FAX

abaggott@halbrookwoodlaw.com

alee@halbrookwoodlaw.com

**ATTORNEYS FOR PLAINTIFF**

## IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

BRIAN KING,

Plaintiff,

v.

EXACT SCIENCES CORPORATION,

Serve at Registered Agent:  
 CSC-Lawyers Incorporating  
 Service Company  
 221 Bolivar St.  
 Jefferson City, MO 65101

Defendant.

Case No. \_\_\_\_\_

DESIGNATION OF LEAD COUNSEL

Anne E. Baggott of Halbrook Wood, P.C., hereby enters her appearance as lead counsel  
 of record for Plaintiff Brian King in this matter.

Respectfully submitted,

HALBROOK WOOD, P.C.

By /s/ Anne E. Baggott

Anne E. Baggott MO #59187

Abbey M.B. Lee MO #72900

3500 W. 75th Street

Prairie Village, KS 66208

(913) 529-1188

(913) 529-1199 – FAX

abaggott@halbrookwoodlaw.com

alee@halbrookwoodlaw.com

ATTORNEYS FOR PLAINTIFF

## CIVIL FILING INFORMATION SHEET

☐ at Kansas City☐ at Independence

file stamp here

CASE #:

## PARTY PLAINTIFF/PETITIONER

Last Name: KING		
First Name: BRIAN	Middle Initial:	
Social Security Number: 496-74-6401		
Address: 435 W MEYER BLVD		
City: KANSAS CITY	State: MO	Zip: 64113
Email Address:		

## LEAD ATTORNEY OF RECORD-PLAINTIFF/PRO SE

Last Name: BAGGOTT		
First Name: ANNE	Middle Initial: E	
Address: 3500 W 75TH ST, SUITE 300		
City: PRAIRIE VILLAGE	State: KS	Zip: 66208
Phone #: 913.529.1188	Fax #: 913.529.1199	
MO Bar Number: 59187	E-Mail: ABAGGOTT@HALBROOKWCDLAW.COM	

## PARTY DEFENDANT/RESPONDENT

Last Name: EXACT SCIENCES CORPORATION		
First Name: CSC LAWYERS INCORPORATING SERVICE CO	Middle Initial:	
Social Security Number:		
Address: 221 BOLIVAR ST		
City: JEFFERSON CITY	State: MO	Zip: 65101
Email Address:		

## Service Instruction for each defendant listed:

<input type="checkbox"/> Jackson County:
<input type="checkbox"/> Out of County--Provide info below <input checked="" type="checkbox"/> Private Process
Sheriff Name/Address:

## LEAD ATTORNEY OF RECORD-DEFENDANT (if known)

Last Name:		
First Name:	Middle Initial:	
Address:		
City:	State:	Zip:
MO Bar Number:	E-Mail:	

## CIRCUIT CIVIL CASE INFORMATION

Case Type Description: EMPLOYMENT DISCRIMINATION
Case Type Code: TJ
Court Rule 3.1.4-Case Type Code--See Civil Case Codes on Reverse and under the forms section of the Court's website at www.16thcircuit.org

## Case Track:

<input type="checkbox"/> Expedited: (Out of state witness, injunction, TRO, extraordinary remedy, replevins, etc.)
<input checked="" type="checkbox"/> Standard
<input type="checkbox"/> Complex: (Asbestos, tobacco, or other cases that will likely take more than 2 weeks to try)

## OTHER IMPORTANT INFORMATION

- Review Division-Specific Information on the Court's website to understand the requirements in processing your case--[www.16thcircuit.org](http://www.16thcircuit.org)
  - Court Rule 4.2** requires that this form must be **complete** and include a **filing deposit** or your petition will not be accepted for filing
  - Court Rule 3.5 Designated Lead Attorney** requires that each party is responsible for keeping the designated lead attorney information current
  - Court Rule 21.9 Attorney Change of Address/Facsimile** requires each attorney to keep their address, etc. up dated with the Court Administrator's office.
- Date: 8/10/2022 Attorney/Pro Se Signature: Anne E. Baggott